Re

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,915	12/09/2003	Matthew L. Cooper	114891	4729

			EXAMINER
25944	7590	05/25/2006	TIMBLIN, ROBERT M

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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 December 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-26_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-2, 4-8,10-18,20-23 and 25-26_ is/are rejected.

7)☒ Claim(s) _3,9,19 and 24_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This office action corresponds to application 10/729,915 filed 12/09/2003.

Claims 1-25 have been examined and are pending prosecution.

Allowable Subject Matter

Claims 3, 9, 19, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 11, 12, 16, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Platt et al.** ('Platt') (US 6,993,532).

With respect to claims 1, 12 and 16, **Platt** teaches A method for organizing a plurality of data files using meta data, having at least one meta data element, at least associated with each data file, the method comprising:

'extracting, for at least some of the data files, at least one meta-data element associated with that data file' (abstract).

'organizing the extracted meta-data elements in a desired order based on

values for the extracted meta-data elements' as building a list based on similarity

processing performed on descriptive metadata (abstract and col. 7 lines 60-67).

'inputting at least one parameter value' as a seed item input to the system

(abstract).

'dividing at least some of the data files into groups based on the extracted

meta-data elements and the input parameter value' as candidate items that are

similarity to the seed is determined and placed on a list (abstract).

With respect to claims 2 and 17 **Platt** teaches 'a similarity value for at least

two of the plurality of data files using at least some of the extracted meta-data

elements and that parameter value' (col. 3 lines 15-45).

With respect to claim 11, **Platt** teaches A method for organizing a plurality of data

files using meta-data having at least one meta-data element that is at least associated

with a corresponding one of the data files, the method comprising:

'processing at least one set of meta-data, where each meta-data

corresponds to a data file' (col. 11 lines 45-50)

'obtaining a desired value for analyzing the meta-data' (col. 3 lines 15-20 and

col. 5 lines 55-67).

'determining a structure within the set of meta-data elements using an

obtained parameter value, wherein the structure is determined by comparing, for

at least a subset of the plurality of data files, at least a subset of the meta-data

using the parameter value to each other' (col. 11 lines 51-62 and figure 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-7, 10, 13-15, 18, 20-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Platt as applied to claims 1, 2, 11, 12, 16, 17 above in view of **Foote**

(Foote, "Automatic Audio Segmentation Using a Measure of Audio Novelty', FX Palo

Alto Laboratory Inc).

With respect to claims 4 and 20 Platt fails to teach determining at least one

similarity value as presented in the corresponding calculation.

Foot, however, teaches **'determining at least one similarity value'** as

presented as the calculation on page 452 where a distance measure is computed to

yield a similarity score.

It would have been obvious to one of ordinary skill in the data processing art at

the time of the present invention to combine the teachings of the cited references

because the computation of Foote would have given Platt's system a property that can

yield a similarity score (452, subsection A).

With respect to claims 5 and 18 Platt fails to teach **'determining, for each of at least some data files, at least one novelty value for that data file based on the at least one similarity value for that data file and for a number of nearby data files'**

Foote, however teaches this limitation as finding the novelty measure to detect a novelty value (subsection B 453-454).

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the computation of Foot would have given Platt's system the ability to detect novelty value (454).

With respect to claims 6 and 22 **Foote** teaches **'determining at least one novelty value'** as presented as the calculation on page 454, where novelty N(i) is computed to detect a novelty value. The **'Gaussian tapered checkerboard 11 X 11 kernel'** can be found within reference to figure 3 on page 453.

With respect to claims 7, 13 and 21 Platt fails to teach determining at least one boundary location between ones of the plurality of data files based on the at least one novelty value determined for at least some of the data files.

Foote, however, teaches this limitation as extracting segment boundaries (subsection C, 454) to estimate boundaries.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because determining at least one boundary location of **Foote** would have given Platt's system a good estimate of boundaries (under *Audio segmentation and indexing 455).*

With respect to claims 10 and 25 Platt fails to teach **'at least one parameter value that maximizes the confidence value'**

Foote, however, teaches this limitation as the similarity matrix S will have the maximum values (3rd paragraph in subsection A, page 452).

With respect to claim 14 **Platt** teaches **'determining a similarity value by comparing at least some of the meta-data elements in one cluster of data files to at least some other ones of the meta data elements in that element cluster of data files'** (col. 5 lines 53-59).

With respect to claim 15, **Platt** teaches **'determining a value corresponding to a desired grouping of the clusters of data files based on the differences of the similarity values and the dissimilarity values'** (col. 13 lines 35-45 and figs. 11-12).

'determining a dissimilarity value by comparing at least some of the meta-data elements in one cluster of data files to at least some of the meta-data elements in another cluster of data files' (abstract and col. 13 lines 40-49).

Claims 8, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Platt/Foote as set forth above and further in view of **Schwanke** (US 5,485,621).

With respect to claims 8 and 23, the combination of Platt/Foot fails to teach determining a confidence value for that boundary location. **Schwanke,** however, teaches this limitation (col. 21, lines 43-45) to provide a decision on which groups to combine.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Schwanke would have given the combination of Platt/Foot' system a decision on which groups to combine (abstract, Schwanke).

With respect to claim 16, the limitations of this claim been addressed in the preceding claims set forth above. Accordingly, this claim has been rejected for the same reasons as set forth above by the combination of Platt/Foote in further view of **Schwanke**.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:	**US Publications:**
5,918,223	20040042663
6,185,527	20050091184
5,655,058	20040002948
5,918,223	20040103101
6,442,555	20030101181
5,799,301	

Articles:

B. Xia. Similarity Search in Time Series Data Sets. In Master thesis, Simon Fraser University, 1997. http://citeseer.ist.psu.edu/xia97similarity.html

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
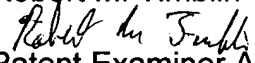
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Leslie Wong

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5/10/06

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